IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SEPRACOR, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
DEY, L.P. and DEY, INC.,	)	C.A. No. 06-113-JJF
	)	(Consolidated)
Defendants.	)	
_____	)	
SEPRACOR, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
BARR LABORATORIES, INC.,	)	
	)	
Defendant.	)	

ORDER

WHEREAS, during the March 7, 2008 hearing on Sepracor, Inc.'s motion to consolidate its case against Dey, L.P. and Dey, Inc. (C.A. No. 06-113-JJF) with its case against Barr Laboratories, Inc. (C.A. No. 07-438-JJF), the Court decided to grant Sepracor's consolidation motion but stated that if the *Sepracor v. Breath* case in the District of Massachusetts (the "*Breath* case") were to settle, then the Court would schedule an early *Markman* hearing in this case;

WHEREAS, on March 20, 2008, the Court entered an order (D.I. 262) that, *inter alia:* (i) consolidated the aforementioned Delaware cases; (ii) directed the parties to contact the Court to schedule a *Markman* hearing once claim construction briefing was complete; (iii) directed that the completion of expert discovery occur after the Court issues its *Markman* decision; and (iv) stated that the parties should be prepared to go to trial within 90 days after the issuance of the Court's *Markman* decision;

WHEREAS, claim construction briefing in this case is complete;

WHEREAS, the *Breath* case has settled; and

WHEREAS, the Court is advised that due to scheduling commitments in June, Sepracor's counsel and Barr's counsel are not available for a *Markman* hearing until mid-July 2008, but that all parties are available for a *Markman* hearing in mid-July 2008 or as soon thereafter as the Court's calendar permits; now therefore,

IT IS HEREBY ORDERED as follows:

1.   The Court will conduct a *Markman* hearing on __JULY   18____, 2008 at __9:00 AM__

2.   One week after the issuance of the Court's *Markman* decision, the parties shall submit a proposed schedule for the completion of expert discovery, and shall request the scheduling of dates for the pretrial conference and trial.

___June 16, 2008___
DATE

___Joseph J. Farnan___
UNITED STATES DISTRICT JUDGE

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